

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
WILLIAM FLEMM,	:	
Plaintiff,	:	
-against-	:	
VICTORY COMMERCIAL MANAGEMENT,	:	19 Civ. 11771 (LGS)
Defendant.	:	<u>ORDER</u>
-----X	:	

LORNA G. SCHOFIELD, District Judge:

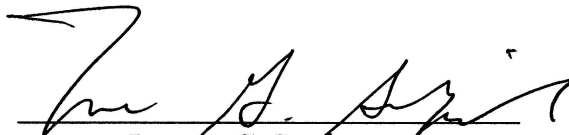
WHEREAS, on July 27, 2020, Plaintiff filed a letter, seeking to compel deposition testimony from Defendant's former counsel, Mr. Eric Su. (Dkt. No. 38). By Order dated July 28, 2020, Defendant was directed to respond to the letter by August 3, 2020. (Dkt. No. 39);

WHEREAS, on July 30, 2020, Defendant's former counsel, by e-mail to Chambers, requested to be heard on this matter and sought leave to file a response to Plaintiff's letter by August 3, 2020. The e-mail is appended hereto. It is hereby

ORDERED that Defendant's response due August 3, 2020, may append any response by Defendant's former counsel. It is further

ORDERED that a telephonic conference will be held to discuss this discovery dispute on **August 6, 2020, at 10:50 a.m.** on the following conference line: 888-363-4749, access code 558-3333. The time of the conference is approximate, but the parties shall be ready to proceed at that time.

Dated: July 30, 2020
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Schofield NYSD Chambers

From: Saxe, Ira <ISaxe@crowell.com>
Sent: Thursday, July 30, 2020 8:05 AM
To: Schofield NYSD Chambers
Cc: Stephen Bosin; mchen@mchenlaw.com; Su, Eric
Subject: URGENT: William Flemm v. Victory Commercial Management, Inc.; Case No. 1:19-cv-11771-LGS

Dear Judge Schofield,

Good morning, Your Honor. My name is Ira Saxe and I am a member of the law firm Crowell & Moring LLP, formerly the counsel for Defendant Victory Commercial Management Inc. ("Defendant") in the above-referenced action.

Although we are no longer counsel for Defendant in this action, it has come to our attention that Plaintiff's counsel, Stephen Bosin, Esq., has written to the Court (Dkt. No. 38) requesting the Court to order Eric Su, my partner at this firm and Defendant's prior counsel, to give testimony in this action. Pursuant to Paragraph 3.B. of Your Honor's Emergency Individual Rules and Practices in Light of COVID-19, we are writing to you today because we respectfully request to be heard on this matter and respectfully request the Court's permission to respond to Mr. Bosin's letter by [August 3, 2020](#), the date by which the response by Defendant's counsel is due. We strenuously object to Mr. Bosin's position on the necessity for and propriety of the deposition of Mr. Su. Our concerns relate to the privileged nature of the questioning in which Mr. Bosin plans to engage, on the basis of the attorney client privilege, and to our obligations under applicable law, including but not limited to Rules 1.6(a) and (c) and 1.9(c) of the New York Rules of Professional Conduct, to protect the confidential information of our former client.

I can be reached at [\(212\) 895-4230](#), and Mr. Su can be reached at [\(212\) 803-4041](#).

We thank the Court for its consideration.

Respectfully submitted,

Ira M. Saxe

Ira M. Saxe
isaxe@crowell.com
Direct 1.212.895.4230 | Fax: 1.212.223.4134

Crowell & Moring LLP | www.crowell.com

590 Madison Avenue
New York, NY 10022